

## **REMARKS**

### **I. INTRODUCTION**

The specification has been amended. The drawings have been amended. Claims 1, 3, 7, 10, 11, and 15 have been amended. No new matter has been added. Thus, claims 1-16 remain pending in the present application. In light of the above amendments and the following remarks, Applicant respectfully submits that all presently pending claims are in condition for allowance.

### **II. INFORMATION DISCLOSURE STATEMENT**

The Examiner has requested a copy of foreign cited reference FR2169457. A copy of this reference, including an English abstract, has been enclosed herewith.

### **III. SPECIFICATION**

The Examiner objects to the specification for failing to provide section headings. (See 10/28/08 Office Action pp. 2-5). Applicants point out that the 37 CFR 1.77(b) states that “the specification of a utility application *should* include the following sections.” That is, the sections and section headings are optional. Applicants respectfully decline to add the section headings to the current application. In view of this being optional, Applicants submit that the objection to the specification should be withdrawn.

### **IV. DRAWING OBJECTIONS SHOULD BE WITHDRAWN**

The drawings stand objected to due to lack of clarity (in Fig. 4) and failing to comply with 37 C.F.R. §1.84(p)(5). In light of the above amendments to the specification and the drawings, Applicant respectfully requests the withdrawal of this objection.

**V. SPECIFICATION OBJECTIONS SHOULD BE WITHDRAWN**

The specification stand objected to due to informalities. In light of the amendments to the specification, Applicant respectfully requests the withdrawal of this objection.

**VI. 35 U.S.C. § 112 REJECTIONS SHOULD BE WITHDRAWN**

Claims 1-9, 15, and 16 stand rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out the claimed invention.

The Examiner states that “[t]he scope of claim 1 is indefinite since the language of the preamble is inconsistent with that recited in the body of the claim.” (See 10/28/08 Office Action, p. 7). In support of this rejection, the Examiner states that the recitation of the “driven member assembly,” “Workpiece element,” and “appliance body” are not positively recited and thus, the claim language is indefinite. However, Applicant respectfully submits that the recitation of these elements, although within a functional phrase, renders the claim definite. (See MPEP § 2173.05(c) *In re Larsen*, No. 01-1092 (Fed. Cir. May 9, 2001)). Specifically, the Applicant is not required to positively recite structures that are not claimed; inferential recitation of structure is permissible. Therefore, Applicant respectfully requests the withdrawal of this rejection.

**VII. 35 U.S.C. § 102(b) REJECTIONS SHOULD BE WITHDRAWN**

Claims 1-9 stand rejected under 35 U.S.C. 102(b) for being anticipated by Peot (U.S. Patent No. 4,777,393).

Claim 1 has been amended to recite “[a] system for joining an appliance body (12) having a driving assembly (13) therein to a driven member assembly (15) which includes a workpiece element (26) having a torsional axis of movement, comprising: a plurality of joining assemblies for removably attaching said driven member assembly to

said appliance body, wherein the joining assemblies are each separate from the torsional axis of the workpiece element, wherein the joining assemblies each include a mating member (43) on one of a) the appliance body or b) the driven member assembly and an associated receiving element (46) on the other thereof, wherein the mating members and the receiving elements have such a configuration, respectively, and mate in such a manner that there is substantially no lost motion for the workpiece element during operation of the appliance and *such that the driven member assembly is readily removable from the appliance body upon application of an axial force.*”

In contrast, Peot discloses a motor unit 10 attachable to a housing 132 by means of locking pin members 58. Peot discloses a spring actuated locking plate inside of housing 12 of motor unit 10, wherein the locking plate engages “the grooves provided in locking pin members 58.” (See col. 7, ll. 41-47). Peot fails to provide details of how the locking plate engages these grooves. However, Applicant respectfully submits that regardless of how the locking plate engages the grooves in locking pin members 58, an axial force will not be sufficient to remove motor unit 10 from housing 132. Therefore, it is respectfully submitted that claim 1 and its dependent claims 2-9 are allowable over Peot.

Claims 10-16 stand rejected under 35 U.S.C. § 102(b) for being anticipated by McDougall (U.S. Patent No. 5,617,601).

Claim 10 has been amended to recite “[a]n oral care appliance, comprising: an appliance body (12) having a driving assembly (13) therein; a driven member assembly (15) which includes a workpiece element (26) having a torsional axis of movement and wherein the workpiece element includes a brushhead (30); and a coupling structure for joining the appliance body to the driven member assembly, the coupling structure including a plurality of joining assemblies for removably attaching the driven member assembly to the appliance body, wherein the joining assemblies are each separate from the torsional axis of the workpiece element, wherein each joining assembly includes a mating member (43) from one of a) the appliance body or b) the driven

member assembly and an associated receiving element (46) in the other thereof, for receiving said mating member, wherein the mating members and the receiving elements have such a configuration, respectively, and mate in such a manner that there is substantially no lost motion for the workpiece element during operation of the appliance, *and such that the driven member assembly is readily removable from the appliance body upon application of an axial force.*”

In contrast, McDougall discloses a pair of lugs 513 located on plug part 509. The pair of plugs 513 are inserted into grooves 515 and subsequently twisted into internal grooves 517. In order to attach plug part 509 and brush part 508, McDougall discloses that “after brush part 508 has been push-fitted onto the casing part 506, it must then be rotated through a quarter turn to bring these into proper alignment. During this rotation, the lugs 513 move in internal grooves 517, engaging behind shoulder 519 so that the brush part 508 cannot be pulled off the casing part 506.” (See McDougall, col. 4, ll. 59-67). It is obvious from this disclosure that an axial force would not be sufficient to remove brush part 508 from casing part 506. Therefore, Applicant respectfully submits that claim 10 and its dependent claims 11-14 are allowable over McDougall.

Claim 15 recites limitations substantially similar to those of claim 10. Thus, it is respectfully submitted that claim 15 is also allowable over McDougall for at least the foregoing reasons presented with regard to claim 10. Because claim 16 depends on and, therefore, contains all of the limitations of claim 15, it is respectfully submitted that this claim is also allowable.

**CONCLUSION**

In light of the foregoing, Applicant respectfully submits that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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